

Fernando D. Vargas, Esq., (SBN: 129284)  
Fernando Vargas II, Esq., (SBN: 346201)  
**LAW OFFICES OF FERNANDO D. VARGAS**  
8647 Haven Avenue, Suite 200  
Rancho Cucamonga, California 91730-4888  
Telephone: 909 / 982-0707  
Facsimile: 909 / 259-2113

JS-6

Attorney for Plaintiff, MITCHEL BAIN LASCH

**UNITED STATES COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MITCHEL BAIN LASCH, an Individual,	)	CASE NO. 5:24-cv-01619-JGB-SPx
	)	<i>[San Bernardino Superior Court Case No.</i>
Plaintiffs,	)	<i>CIVSB 2412395]</i>
	)	
v.	)	
	)	
THE HOME DEPOT INC., and DOES 1 TO	)	
50, Inclusive.	)	<b>ORDER ON PARTIES' STIPULATION</b>
	)	<b>TO CAP PLAINTIFF'S JUDGMENT,</b>
Defendants.	)	<b>AWARD, OR RECOVERY AT</b>
	)	<b>\$74,999.99 AND TO REMAND THE</b>
	)	<b>MATTER TO STATE COURT</b>
	)	
	)	
	)	Complaint Filed: August 4, 2024

The Court, having read and considered the Parties' Stipulation to CAP Plaintiff's Judgment, Award, or Recovery and to Remand, hereby ORDERS as follows:

**I. BACKGROUND**

On or about April 11, 2024, Plaintiff, MITCHEL BAIN LASCH (hereinafter "Plaintiff") commenced the above-entitled civil action in the Superior Court for the County of San Bernardino by filing a Complaint therein entitled Mitchel Bain Lasch v. The Home Depot Inc., Case No. CIVSB 2412395. Plaintiff's Complaint for personal injury arises from an incident on

1 May 7, 2022, with defendant, The Home Depot, Inc.

2 On or about July 5, 2024, Plaintiff, by and through his attorney of record, served  
3 Statement of Damages, setting forth damages in excess of \$75,000.00. Based on this, defendant,  
4 The Home Depot Inc. determined that the amount in the controversy exceeded the \$75,000.00  
5 statutory minimum. Accordingly, defendant, The Home Depot Inc. removed the matter to federal  
6 court pursuant to 28 U.S.C §§1332, 1441, and 1367, on August 4, 2024.

7 The Parties have now agreed and stipulated to limit any and all recovery of damages by  
8 Plaintiff to a maximum of \$74,999.99, exclusive of interest or costs, as evidenced by Stipulation  
9 to Cap Plaintiff's Judgment, Award, or Recovery and To Remand, executed by Plaintiff and  
10 Defendant by and through their attorneys of record and by Plaintiff individually. Accordingly,  
11 the parties request an order from this Court remanding the case to the San Bernardino Superior  
12 Court, Case No. CIVSB 2412395.

## 13 II. ANALYSIS

14 United States Code, Title 28, Section 144(c), provides that "[I]f at any time before final  
15 judgment it appears that the district court lacks subject matter jurisdiction, the case shall be  
16 remanded." In light of the parties' stipulation limiting any and all recovery by Plaintiff to a  
17 maximum of \$74,999.99 , exclusive of interest or costs, this Court lacks subject matter  
18 jurisdiction and must, therefore, remand the case to state court pursuant to 28 U.S.C. § 1447(c).  
19 See *Bruns v. NCUA* 122 F.3d 1251,1257 (9<sup>th</sup> Cir. 1997) ("Section 1447 (c) is mandatory, not  
20 discretionary.")

## 21 III. ORDER OF THE COURT

22 1. Plaintiff's total recovery, if any, from defendant, The Home Depot Inc., and /or its  
23 agents employees, parents, subsidiaries, or affiliated and related business entities, for any  
24 injuries, damages, harms, or losses resulting from the trip and fall incident that occurred May 7,  
25 2022 , and which are the subject of the within action (including formerly San Bernardino  
26 Superior Court Case No. CIVSB 2412395) (the Litigation), including but not limited to  
27 economic and non-economic damages, hereby capped at \$74,999.99, exclusive of interest and  
28 costs.

1           2. If any judgment or award, enter in Plaintiff's favor and against defendant The Home  
2 Depot Inc., and/or its agents, employees, parents, subsidiaries, or affiliated and related business  
3 entities, in the Litigation should exceed \$74,999.99, exclusive of interest and costs, Plaintiff has  
4 knowingly and voluntarily waived the right to claim that portion of her final judgment or award  
5 which exceeds \$74,999.99, exclusive of interest and costs.

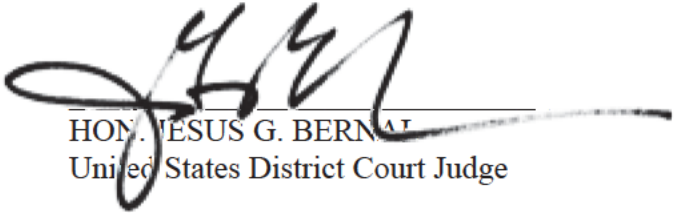
6           3. Should any judgment or award, exclusive of interest and costs, be entered in his favor  
7 and against defendant, The Home Depot Inc., and/or its agents, employees, parents subsidiaries,  
8 or affiliated and related business entities, in the Litigation in excess of \$74,999.99, Plaintiff shall  
9 execute any necessary documents to reduce any such award or judgment to \$74,999.99 and is  
10 barred from executing on any amount of the award or judgment in excess of \$74,999.99,  
11 exclusive of interests and cost.

12           4. Pursuant to the parties' Stipulation, because this matter no longer exceeds 75,000.00,  
13 this Court no longer has subject matter jurisdiction, and the matter is hereby REMANDED to the  
14 Superior Court for the State of California, County of San Bernardino, Case No. CIVSB  
15 2414171. All other terms of this Order shall be given full force and effect in any further state  
16 court proceeding.

17           5. All Pending dates in the Federal action are hereby vacated.

18 **IT IS SO ORDERED.**

19 Dated: September 30, 2024

  
HON. JESUS G. BERNAT  
United States District Court Judge